

---

---

**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF TEXAS**

---

RAMON VARGAS, §  
§  
Plaintiff, §  
§  
versus § CIVIL ACTION NO. 1:16-CV-498  
§  
DAVID ST. CLAIR, *et al.*, §  
§  
Defendants. §

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Ramon Vargas, a prisoner previously confined at the Federal Correctional Institution in Beaumont, Texas, proceeding *pro se* and *in forma pauperis*, filed this civil action against David St. Clair, H. Plessala, Harmoush Issam, and the United States of America.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends granting the government's motion to dismiss the FTCA claims from this action.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

**O R D E R**

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report and recommendation of the magistrate judge (#24) is **ADOPTED**. The

motion to dismiss the United States of America from this action (#12) is **GRANTED**. A partial judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 21st day of March, 2018.

  
Marcia A. Crone  
MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE